

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

WILLIAM L. HARDING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-21-00516-JD
	)	
OKLAHOMA DEPARTMENT OF	)	
CORRECTIONS, et al.,	)	
	)	
Defendants.	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is a Report and Recommendation [Doc. No. 18] issued by United States Magistrate Judge Amanda Maxfield Green, recommending that Plaintiff's Application for Leave to Proceed *in forma pauperis* [Doc. No. 8] be denied.<sup>1</sup> Judge Green found that Plaintiff has sufficient funds to pay the filing fee and recommended that Plaintiff's application be denied and that he be ordered to pay the full filing fee within 21 days of any Order adopting the Report and Recommendation. Judge Green advised Plaintiff of his right to file an objection to the Report and Recommendation on or before September 13, 2021, and that failure to timely object to the Report and Recommendation waives the right to appellate review of the recommended ruling.

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<sup>1</sup> The docket reflects that Plaintiff filed two applications to proceed *in forma pauperis*. [See Doc. Nos. 2, 8]. The second application, which is the subject of the Report and Recommendation now under review, was filed pursuant to Judge Green's Order to Plaintiff to Cure Deficiencies [Doc. No. 7], which advised Plaintiff that his original *in forma pauperis* application was not on the proper form and was missing financial information and/or the signature of an authorized officer of penal institution. Accordingly, disposition of [Doc. No. 8] also resolves [Doc. No. 2].

Plaintiff has not filed an objection to the Report and Recommendation by the deadline or requested an extension of time to do so.

Accordingly, the Court **ADOPTS** the Report and Recommendation [Doc. No. 18] in its entirety for the reasons stated therein. Plaintiff's Application for Leave to Proceed in forma pauperis [Doc. No. 8] is **DENIED**, and Plaintiff is **ORDERED** to pay the full \$402.00 filing fee to the Clerk of the Court within 21 days of this Order, or **by October 13, 2021**. Failure to do so will result in dismissal of this action without prejudice.

Alternatively, and considering the fact that Plaintiff filed a nearly identical state-court lawsuit that was later removed to federal court and is now pending before the undersigned judge as Case No. CIV-21-842-JD, Plaintiff may file a notice voluntarily dismissing this action under Federal Rule of Civil Procedure 41(a).

Plaintiff is advised that notwithstanding any filing fee paid in this action, the Court shall dismiss at any time all or any part of such complaint which (1) is frivolous or malicious, (2) fails to state a claim on which relief can be granted, or (3) seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

IT IS SO ORDERED this 22nd day of September 2021.



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JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE